



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,697	06/16/2000	Laurence J. Fromm	CELLIT-005XX	1727

7590 12/09/2003
Bourque & Associates PA
835 Hanover Street Suite 301
Manchester, NH 03104

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,697

Applicant(s)

FROMM, LAURENCE J.

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 22 September 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 05/15/2003 will be considered by examiner. However, no copies of the foreign patents or "other documents" have been submitted. Applicant is requested to submit copies of those references. Also, a quick review of the U.S. Patents listed on the 4 full pages of the IDS revealed that some patents such as 3333271, 4593273, 692858, 4782463, 4811240, 4858120, 5119475, and 5121477 are totally irrelevant to the claimed subject matter. For example, these patents do not relate to a PBX or a call center. Applicant's cooperation is required to cite only the relevant U.S. Patents. Citing unrelated and irrelevant patents unnecessarily burdens the examiner, and it is unhelpful to the public when a patent (when this application is allowed) lists all these unrelated references.

Drawings

3. Corrected drawing submitted on 09/22/2003 has been approved by the examiner.

Claim Rejections - 35 USC § 102

Art Unit: 2642

4. Claims 1-4, 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammond (US PAT # 5,479,487).

Regarding claims 1-2, 15, Hammond teaches an apparatus for controlling a plurality of agent stations (12A-12C and 13A-13C) in a contact center (the arrangement in Fig. 4 or Fig. 5), said apparatus comprising: a switch (call center 40), for running contact center applications software and for controlling agent stations and facilitating switching between agent stations and customers or other agent stations; a Private Branch Exchange (PBX 11) for controlling agent stations (12, Fig. 5) and for facilitating switching between said agent stations and said customers or other agent stations; control means (reads on the combination of I/O devices 57, PBX interface 503 and work station interface 504 in Fig. 5) for determining whether a particular agent station should be controlled by said PBX or said switch, and for allocating said control.

Claims 7, 13 and 16 are rejected for the same reasons as discussed above with respect to claim 1. The claimed "central processor" in claim 7 reads on the combination of I/O devices 57, PBX interface 503 and workstation interface 504. The claimed "switch" in claim 13 reads on call center 40. The claimed "logging on" in claim 16 is taught by Hammond on col. 12, lines 1-12.

Art Unit: 2642

Claims 9 -10 are rejected for the same reasons as discussed above with respect to claims 1, 7, 13 and 16. Also, claim 9 basically reads on the agent logging on and claim 10 reads on the agent logging out.

Claim 3 recites that the control means relies at least in part on a message sent from a particular agent in order to determine whether said particular agent should be controlled by either the PBX or the switch. The message may read on the agent logging on into a campaign and the connection "mailed up" through the PBX allowing the call center to control campaign call switching, see col. 12, lines 57-63.

Regarding claims 4 and 14, Hammond teaches said control means maintains a table indicative of which of said agent stations are presently being controlled by said switch, and which are being controlled by said PBX. The use of table is inherent. This is also depending on the call requirement or the call type, determination will be made on how to route the call whether this will be handled by a switch or by PBX.

Regarding claims 17 and 8, Hammond teaches one of said switching means is a contact center having software applications and another of said switching means is a PBX (see col.5, lines 35-60 and Fig.5).

Claim Rejections - 35 USC § 103

Art Unit: 2642

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond.

Regarding claims 5 and 6, Hammond does not specifically teach the said control means allocates control to said PBX for some duration and then allocates control to said switch for some duration and that the allocation is dynamic, said control being changed repeatedly from said PBX to said switch during operation.

However, this feature is obvious and it reads on balancing the load between the switch and the PBX, which is an old and well-known feature. Furthermore, the allocation may be a result of logging in and logging out of the switch/call center 40.

Response to Arguments

6. Applicant's arguments filed 9/22/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues limitations that are not recited in the claims, such as the argument on page 9, line 7 of the amendment, which states, "the call center 40

Art Unit: 2642

[in Hammond] is not mutually exclusive of the PBX 11." No such limitation is recited in the claims.

Also on page 9, line 9; applicant argues, "Any communication received by the Hammond system must pass through the call center 40 to get to the PBX 11. (See FIG. 5). This is not what the Applicant claims. ". The claims do not recite that a call "must" or "must not" pass through the call center.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone

Art Unit: 2642

number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha Al-Aubaidi

12/02/2003


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600